

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

CRIMINAL PROCEEDINGS: SENTENCING

JUDGE: Hon. B. Lynn Winmill
DEPUTY CLERK: Anne Lawron
ESR: Vicki Jones
BOISE, IDAHO

DATE: October 21, 2004
TIME: 8:43 to 9:12

UNITED STATES OF AMERICA v. CARLOS VELASQUEZ-ORTEGA
CASE No. CR04-136S-BLW

COUNSEL FOR: United States (AUSA): Aaron Lukoff
Defendant: Phil Gordon
Probation : Doug Grove
Interpreter: Eduardo Silva

The Court discussed with counsel the firearm possession count with regard to dfts sentence.

Dft advises the court he has had adequate assistance of counsel and a Spanish interpreter throughout plea negotiations and understands the agreement and the charges he will plead guilty to.

OBJECTIONS TO PRESENTENCE REPORT: No objections.

SENTENCING: The Court will GRANT the government's motion for a downward departure and finds the facts in the presentence report accurate and will adopt as its own.

Pursuant to the Sentencing Reform Act of 1984, it is the judgment of this court the defendant, Carlos Velasquez-Ortega, is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of 7 months. The Court will recommend credit for time served and the defendant be incarcerated at a location along the Mexico Border.

The court finds the defendant does not have the ability to pay a fine, therefore, it is waived in this case.

It is further ordered the defendant pay a special assessment of \$100 which is due immediately.

The defendant poses a high risk of future substance abuse and the court orders immediate drug testing as required by 18 § 3563(a)(5) or 18 § 3583(d).

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of

three years. Within 72 hours of release from the custody of the Bureau of Prisons, the defendant shall report in person to the probation office in the district in which the defendant is released.

While on supervised release the defendant shall not commit another federal, state or local crime, shall comply with the standard conditions that have been adopted by this court, and shall comply with the following additional conditions:

The defendant is prohibited from possessing a firearm or other dangerous weapon.

The defendant shall pay any special assessment that is imposed by this judgment and that remains unpaid at the commencement of the term of supervised release to the Clerk of the US District Court, 550 W. Fort St., MSC 039, Boise, ID 83724, on a monthly payment schedule as directed by the probation officer.

The defendant shall submit to a search of his person, place of residence, or automobile at the direction of the US Probation Officer and submit to seizure of any contraband found therein.

The defendant shall comply with the rules and regulations of the Immigration and Customs Enforcement, and if deported from his country, either voluntarily or involuntarily, shall not reenter the United States without permission from the Secretary of the Department of Homeland Security. Within 72 hours of release from any custody or reentry to the United States during the term of the Court ordered supervision, the defendant shall report in person to the probation office in the district to which the defendant is released.

Defendant advised of his appeal rights.